

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE P.V.KUNHIKRISHNAN

FRIDAY, THE 7TH DAY OF JULY 2023 / 16TH ASHADHA, 1945

BAIL APPL. NO. 5215 OF 2023

AGAINST THE ORDER/JUDGMENTSC 595/2019 OF ADDITIONAL SESSIONS

COURT (ADHOC)-II/SPECIAL COURT UNDER POCSO ACT CASES,

THODUPUZHA

CRIME NO.442/2019 OF THODUPUZHA POLICE STATION, IDUKKI

DISTRICT

PETITIONER/ACCUSED:

XXXXXXXXXX
XXXXXXXXXX XXXXXXXXXXXX
BY ADV V.VIJITHA

RESPONDENT/COMPLAINANT:

STATE OF KERALA
REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF
KERALA, ERNAKULAM, PIN - 682031

OTHER PRESENT:

SMT.MAYA.M.N, PP

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON
07.07.2023, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

P. V. KUNHIKRISHNAN, J.

Bail Application No.5215 of 2023

Dated this the 7th day of July, 2023

ORDER

The petitioner is an accused in Crime No.442/2019, which is now pending as S.C.No.595/2019 on the file of the first Additional Sessions Court [Special Court under the POCSO Act cases], Thodupuzha. The above case is chargesheeted against the petitioner alleging offences punishable under Sections 294(b), 323, 326, 506(i), 302, 201, 212 of the Indian Penal Code and under Section 75 of the Juvenile Justice Act. The petitioner is in judicial custody since 30.03.2019. This bail application is filed for granting interim bail to the petitioner to see his mother, who is seriously suffering from some illness. He also wants to meet his lawyer for the conduct of the case.

2. Heard the learned Public Prosecutor also.

3. When the petitioner filed B.A.No.1687/2023, this Court allowed the petitioner to file a bail application before the lower court for interim bail. Now, by a detailed order, the trial court dismissed the bail application as per Annexure-A3. This Court perused

Annexure-A3 order.

4. Today, when this bail application came up for consideration, counsel for the petitioner submitted that the petitioner will be satisfied if an interim bail is granted for one week. It is an admitted fact that the petitioner is convicted in another case and is undergoing imprisonment. It is also submitted that the petitioner will get parole if one week bail is granted in this case. I do not want to make any observation about the same. Considering the facts and circumstances of the case, I think one week bail can be granted to the petitioner. The local police is free to make surveillance as far as the petitioner is concerned for one week. Therefore, this bail application is allowed in part as follows:

i) The petitioner shall be released on bail on executing a bond for Rs.1,00,000/- [Rupees One Lakh Only] with two solvent sureties for the likesum each to the satisfaction of the trial court for a period of one week.

ii) The petitioner shall surrender before the jurisdictional court after one week.

iii) The petitioner shall not commit any offence during the above period of bail.

iv) The petitioner shall not intimidate or influence the witnesses in the case while on bail.

v) The local police is free to make a surveillance to the petitioner during the period of one week.

vi) The Registry will issue a copy of this order to the learned Public Prosecutor also, who will forward the same to the local police.

Sd/-

P. V. KUNHIKRISHNAN
JUDGE

Sbna/

APPENDIX OF BAIL APPL. 5215/2023

PETITIONER ANNEXURES

- Annexure A1 A TRUE COPY OF THE MEDICAL REPORTS OF
THE MOTHER OF THE PETITIONER
- Annexure A2 A TRUE COPY OF THE ORDER DATED
24.02.2023 IN B A NO.1687/2023 OF THIS
HONBLE COURT
- Annexure A3 A TRUE COPY OF THE ORDER DATED
05.04.2023 IN CRL.M.P.820/2023 OF TEH
1st ADDITIONAL SESSIONS COURT/SPECIAL
COURT UNDER POCSO ACT CASES, THODUPUZZHA